

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Services - Judgment of the High Court of A.P. Hyderabad in W.P.No.25479/06 dt.14.9.2010 filed by Sri K. Francis, Jr.Assistant, O/o. ASO, Circle No.II, Hyderabad – Regularization of Suspension period from 03-01-1992 to 05.03.2002 as on duty for all purposes – Orders – Issued

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CONSUMER AFFAIRS, FOOD & CIVIL SUPPLIES (VS) DEPARTMENT

G.O.Ms.No. 8

Dated:10-04-2013  
Read the following:

1. Govt.Memo.No.1999/CS.II.A2/02-6, dt.12.3.2004 of CAF&CS Dept.
- 2.Orders of A.P.A.T. dt.26.9.2005 in O.A.No. 3879 of 2004.
- 3.Orders of A.P.High Court dt.14.9.2010 in W.P.No.25479/2006.
- 4.Govt.Memo.No.13/VS/2007-2, dt.28.5.2011 of CAF & CS Dept.
- 5.Explanation of Sri K.Fransiks, formerly Jr.Asst., O/o. the CRO, Hyderabad dt.16.7.2011

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ORDER:

Sri K.Francis, Junior Assistant was placed under suspension by the Chief Rationing Officer, Hyderabad vide proceedings dated 3.1.1992 on the ground that he was involved in a criminal case in S.C.No.81/93, before the First Additional Metropolitan Sessions, Judge, Hyderabad. The Trial Court vide its judgment dated 9.1.1995 acquitted him. The Criminal Appeal No.101/95 and Criminal Appeal No.24/96 filed before the High Court against the above judgment was dismissed on 7.8.98. He was therefore, reinstated into service vide Memo.No.1646/CS./01-3, dated 5.3.2002. The request of the individual to regularize suspension period as duty was rejected vide reference 1<sup>st</sup> read above on the ground that he was acquitted by the Appellate Court on benefit of doubt but not on merits.

2. Sri K.Francis has filed O.A.No.3879/04 before the A.P.A.T. challenging the orders of the Government dated 12.3.2004 and the Tribunal dismissed the O.A. vide reference 2<sup>nd</sup> read above. However, the High Court in its judgment vide reference 3<sup>rd</sup> read above pronounced the judgment that the respondent authorities cannot reject the claim of the petitioner on the ground that the Court had acquitted him on the ground of benefit of doubt but not on merits. The High Court set aside the proceedings of the Government dt.12.3.2004 and orders of the A.P.A.T., in O.A.No.3879/04 dated 26.9.2005 and directed the respondents to consider the case of the petitioner afresh and pass appropriate orders on merits after giving notice to him.

3. In the reference 4<sup>th</sup> read above, the Government has issued show cause notice to Sri K.Francis, informing that he was involved in a criminal case as a citizen and, therefore, he was placed under suspension on 3.1.1992 as per law. The criminal case culminated in acquittal of the individual on 7.8.1998 and therefore he was reinstated into duty on 5.3.2002. He is entitled to back wages w.e.f.7.8.1998. Since the individual has not worked during the above period for his misconduct of involvement in the crime, he is directed to show cause as to why the suspension period from 3.1.1992 to 6.8.1998 should not be regularized as “not on duty”. He shall submit his explanation within a period of 15 days. If no representation is made within the aforesaid period it shall be construed that he has no explanation to offer in the matter and further action will be taken based on the material available and as per rules.

4. In the reference 5<sup>th</sup> read above, Sri K.Francis has submitted his explanation and requested to regulate the suspension period from 03.01.1992 to 5.3.2002 as on duty and release all consequential benefits arising there from.

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5. Government after careful examination of the matter in consultation with the advisory departments, observe that as the case filed against Sri K. Francis was failed and the Hon'ble High Court of AP also confirmed the same, the suspension period of the individual shall be termed as wholly unjustified. The Government hereby decide to regularize the suspension period of Sri K.Francis, formerly Jr.Assistant from 03-01-1992 to 05.03.2002 as on duty under FR. 54 (2) (3) for all purposes.

6. Accordingly, Government hereby order that the suspension period of Sri K.Francis, formerly Jr.Assistant, O/o. the Chief Rationing Officer, Hyderabad from 03-01-1992 to 05.03.2002 be regularized as on duty under FR.54 (2) (3) for all purposes.

7. The Commissioner of Civil Supplies, A.P .Hyderabad shall take further action accordingly.

8. This order issue with the concurrence of the Finance (FR.II) Department vide their U.O.No.4775/164/FR.II/2013, dated 06.03.2013.

SUNIL SHARMA,  
E.O.SECRETARY TO GOVERNMENT

To  
Sri K.Francis, Jr.Assistant ,  
O/o the Asst.Supply Officer, Circle No.VIII, Sec'bad.

(Through the Commissioner of Civil Supplies, A.P. Hyd.  
He is requested to serve the show cause notice to the individual  
and returned the serve copy to Govt., with acknowledgement)

Copy to:  
The Commissioner of Civil Supplies, A.P. Hyderabad.

//FORWARDED BY ORDER//

SECTION OFFICER.